

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WTA TOUR, INC. and STEVE  
SIMON,

Petitioners,

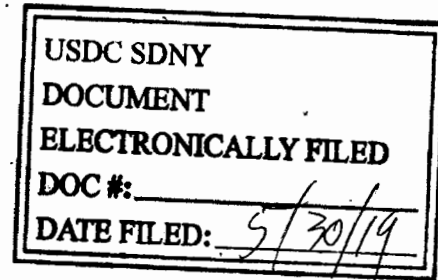
-against-

SUPER SLAM LIMITED and ION  
TIRIAC,

Respondents.

18-cv-5601 (JSR)

ORDER



JED S. RAKOFF, U.S.D.J.

This case involves an arbitration dispute. In brief, and as relevant to the instant Order, non-party Madrid Trophy Promotion (MTP) filed a lawsuit in Spain against petitioners. Petitioners claim that MTP is wholly controlled by respondents, and that the Spanish lawsuit violated a mandatory arbitration provision; respondents claim they have no control over MTP and had nothing to do with the filing of the Spanish lawsuit.

On December 18, 2018, MTP moved to dismiss the Spanish lawsuit without prejudice. Accordingly, on January 24, 2019, this Court granted the parties' joint motion to dismiss this action without prejudice, and with leave to petitioners to re-file if the Spanish lawsuit was reopened. See ECF No. 41. Subsequently, on March 1, 2019, MTP moved to withdraw its motion to dismiss the Spanish

lawsuit, and the Court accordingly granted petitioners' motion to reopen on March 29, 2019. See ECF No. 46.


Now, MTP has, again, moved to dismiss the Spanish lawsuit - in theory, for good this time. The parties have now filed a proposed order dismissing this action without prejudice, see ECF No. 52 - which, incidentally, is in clear violation of this Court's Individual Rule 2(b).

Because petitioners previously dismissed this action, "a notice of dismissal operates as an adjudication on the merits." Fed. R. Civ. P. 41(a)(1)(B). Accordingly, this action is hereby dismissed with prejudice, but with leave to either party to move within 30 days from the date hereof to reopen the case if the Spanish lawsuit is reinstantiated. The Clerk of the Court is directed to close all open entries on the docket of this case.

SO ORDERED.

Dated: New York, NY

May 29, 2019

  
JED S. RAKOFF, U.S.D.J.